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PATENT APPLICATION

Combined DECLARATION for Patent Application  
and

POWER OF ATTORNEY

(Includes reference to PCT International Applications)

Attorney: Alan J. Howarth

Docket No. T4088.BOP

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As below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHODS FOR PRODUCING APOMICTIC PLANTS** the specification of which (check only one item below):

☐ is attached hereto.

☒ was filed as United States application

Serial No. 09/018,875 on February 5, 1998 and was amended on \_\_\_\_\_ (if applicable).

☐ was filed as PCT international application

Number \_\_\_\_\_ on February 5, 1998 and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than that United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:			
COUNTRY (Indicate if PCT)	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED UNDER 35 USC 119
U.S.	60/037,211	February 5, 1997	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/as listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. BENEFIT UNDER 35 U.S.C. 120:				
U.S. APPLICATIONS		STATUS (Check one)		
U.S. Application No.	U.S. Filing Date	Patented	Pending	Abandoned

PCT Applications Designating the U.S.			
PCT Application No.	PCT Filing Date	U.S. Serial Numbers Assigned (if any)	Priority Claimed Under 35 USC § 371

POWER OF ATTORNEY: As named inventor, I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. The following are names and registration numbers: CALVIN E. THORPE, Registration No. 24,928; VAUGHN W. NORTH, Registration No. 27,930; M. WAYNE WESTERN, Registration No. 22,788; GRANT R. CLAYTON Registration No. 32,462; ALAN J. HOWARTH, Registration No. 36,553; KARL R. CANNON, Registration No. 36,468; RANDALL B. BATEMAN, Registration No. 37,774; DAVID W. O'BRYANT, Registration No. 39,793, and FRANK W. COMPAGNI, Registration No. P-40,567.

Send Correspondence and telephonic communications to:

Alan J. Howarth  
 THORPE, NORTH & WESTERN, L.L.P.  
 P.O. Box 1219  
 Sandy, Utah 84091-1219

Full Name of Inventor #1:	FAMILY NAME Carman	FIRST GIVEN NAME John	SECOND GIVEN NAME G.
Residence & Citizenship:	CITY Smithfield	STATE OR FOREIGN COUNTRY Utah	COUNTRY OF CITIZENSHIP: U.S.A.
Post Office Address:	POST OFFICE ADDRESS 396 South 455 East	CITY Smithfield	STATE AND ZIP CODE: Utah 84335

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of Inventor: John G. Carman

Signature: John G. Carman

Date: March 2, 1998

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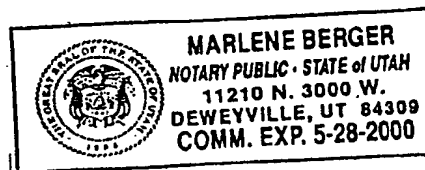
Subscribed to and sworn before me this 2nd day of March, 1998  
State of Utah, County of Cache

Marlene Berger

Notary Public

My commission expires:

5/28/2000



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FORM PTO-1595

## RECORDATION FORM COVER SHEET COMMERCE PATENTS ONLY

U.S. DEPARTMENT OF

Patent and Trademark Office

(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

Tab settings 000

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

**John G. Carman**Additional name(s) of conveying party(ies) attached? ☐ Yes ☐ No

## 2. Name and address of receiving party(ies)

Name: **Utah State University**

Internal Address: \_\_\_\_\_

Street Address: **1770 North Research Park Way****North Logan, Utah 84341-1941**

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other \_\_\_\_\_Execution Date: **March 2, 1998**Additional Name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: **February 5, 1998**

A. Patent Application No.(s)

**09/018,875**

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **Alan J. Howarth**Internal Address: **THORPE, NORTH & WESTERN, L.L.P.**Street Address: **P.O. Box 1219****Suite 200**City: **Sandy** State: **Utah** ZIP: **84091-1219**6. Total number of applications and patents involved: **1**7. Total fee (37 CFR 3.41).....\$ **\$40.00**☒ Enclosed☒ Authorized to be charged to deposit account

## 8. Deposit account number:

**20-0100 (Deficiencies only)**

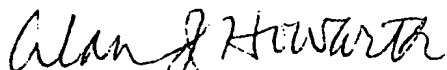
(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.***Alan J. Howarth**

Name of Person Signing



Signature

**June 11, 1998**

Date

Total number of pages including cover sheet, attachments, and document: **3**Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments

T4088.BOP

WHEN RECORDED RETURN TO:

ATTORNEY DOCKET NO. T4088.BOP

Alan J. Howarth  
THORPE, NORTH & WESTERN, L.L.P.  
P.O. Box 1219  
Sandy, Utah 84091-1219

### ASSIGNMENT

WHEREAS, I, John G. Carman, a resident of Utah, have invented a certain new and useful improvement in a METHODS FOR PRODUCING APOMICTIC PLANTS, for which an application for United States Letters Patent was executed on February 5, 1998; and

WHEREAS, Utah State University, a university of higher education and a nonprofit corporation, organized and existing under the State of Utah, located at 1770 North Research Park Way, Suite 120, North Logan, Utah 84341-1941; is desirous of acquiring the entire right, title and interest in the same;

NOW, THEREFORE, in consideration of one dollar (\$1.00), the receipt and sufficiency whereof is hereby acknowledged, and other good and valuable consideration, I, the said John G. Carman, by these presents do sell, assign and transfer unto said Utah State University the full and exclusive right to the said invention and in and to said application and any and all divisions and continuations, substitutes and reissues of said application and the entire right, title and interest in, to and under any and all Letters Patent of the United States and foreign countries that may issue or be granted on said invention.

The Commissioner of Patents is hereby authorized and requested to issue said Letters Patent to said Utah State University as the assignee of the entire right, title, and interest in and to the same, for its sole use and behoof; and for the use and behoof of its legal representatives, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have

been held by me had this assignment and sale not been made.

Executed this 2 day of March, 1998, at Utah State University

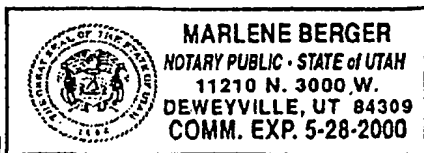
John G. Carman  
John G. Carman

STATE OF Utah )

County of Carke )

: ss

Before me personally appeared said John G. Carman and  
acknowledged the foregoing instrument to be his free act and deed  
this 2<sup>nd</sup> day of March, 1998.



Marlene Berger  
Notary Public

My commission expires:

5/28/2000

Residing at:

Deweyville, Utah

**DECLARATION CLAIMING SMALL ENTITY STATUS**  
**FOR A NONPROFIT ORGANIZATION**

I, Wayne H. Watkins, hereby declare: I am a Director of Utah State University, a university of higher education under the Internal Revenue Code (26 U.S.C. 501(a) and 501(c)(3)), located at 1770 North Research Park Way, Suite 120, North Logan, Utah 94341-1941; that I am empowered to act on behalf of Utah State University; and that Utah State University qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled METHODS FOR PRODUCING APOMICTIC PLANTS, invented by John G. Carman, as described in the patent application filed February 5, 1998.

I further declare that all rights, title, and interest relating to the above-identified invention have been conveyed to and currently remain with Utah State University.

I acknowledge the duty to file, in the above-mentioned application or any patent issued in respect thereof, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of (1) the issue fee or (2) any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that

such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed at North Logan, Utah, this 15<sup>th</sup> day of June 1998.

UTAH STATE UNIVERSITY

By: 

Wayne H. Watkins  
Director

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John G. CARMAN Confirmation No.: 2724  
Application No.: 09/576,623 Group Art Unit: 1638  
Filing Date: May 23, 2000 Examiner: Anne R. KUBELIK  
For: METHODS FOR PRODUCING APOMICTIC PLANTS Attorney Docket No.: 81938-4100

**REVOCATION AND POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

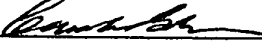
Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby revokes all previous powers and now appoints Allan A. Fanucci (Reg. No. 30,256) and Daniel J. Hulseberg (Reg. No. 36,554) of WINSTON & STRAWN LLP (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci, telephone (212) 294-3311, facsimile (212) 294-4700.

An assignment of the entire interest of this application was submitted in the subject application and, to the best of the knowledge of the undersigned, after review of that application, title is in the assignee seeking to take action in this application and that the undersigned is empowered to act on its behalf.

**ASSIGNEE: UTAH STATE UNIVERSITY OFFICE OF TECHNOLOGY  
MANAGEMENT & COMMERCIALIZATION**

Signature:   
Date of Signature: December 3, 2003  
Typed Name: Carole Golden  
Position/Title: Life Science Commercialization Manager  
Address: 570 Research Park Way, Suite 101  
North Logan, Utah 84341